UNITED
NATIONS

S

Security Council

Distr.
General

S/1999/1051
12 October 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution 1252 (1999) of 15 July 1999 in which the Council requested, by 15 October 1999, a report with recommendations and options to develop confidence-building measures between the parties to the disputed issue of Prevlaka.

2. The United Nations Mission of Observers in Prevlaka (UNMOP) consists of 27 United Nations military observers (see annex) headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand). In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia and holds regular meetings with the local authorities so as to strengthen liaison, reduce tensions, improve safety and security and promote confidence between the parties. The Chief Military Observer also maintains contact with the authorities in Zagreb and Belgrade in order to address issues arising from the implementation of resolution 1252 (1999). Cooperation between UNMOP and the multinational stabilization force (SFOR) is maintained through regular meetings.

II. SITUATION IN THE AREA OF RESPONSIBILITY OF THE MISSION

3. Since the submission of my report of 8 July 1999 (S/1999/764), the situation in the UNMOP area of responsibility has remained stable and calm. The Mission maintains a 24-hour presence at its team site on the Ostra peninsula, at Herceg Novi in the Federal Republic of Yugoslavia (Montenegro), and at the headquarters at Cavtat and the team site at Gruda in Croatia.

4. The area of responsibility of UNMOP consists of two United Nations-designated zones: a demilitarized zone (the so-called "Yellow Zone") where the presence of military personnel and heavy weapons is prohibited, and a United Nations-controlled zone (the so-called "Blue Zone") which was placed under the exclusive authority of the United Nations until such time as the parties reach an agreement concerning that area.

5. UNMOP maintains the interpretation of the limits of the United Nations-designated zones as defined in reports of the Secretary-General to the Security Council since 1992, regardless of unilateral decisions by one party or the other not to respect the United Nations-mandated security regime. In accordance with established procedure, UNMOP has continued to protest about violations of both the demilitarized zone and the United Nations-controlled zone to the authorities in Croatia and the Federal Republic of Yugoslavia, including the Republic of Montenegro, in order to encourage greater respect for the security regime governing the zones and to improve the freedom of movement of the United Nations military observers.

6. During the reporting period, the situation of identified minefields in the UNMOP area of responsibility remained unchanged.

Demilitarized zone

7. The continuing presence of troops of the Yugoslav Army in the northern part of the demilitarized zone constitutes a significant violation. Owing to long-standing constraints imposed by the Yugoslav authorities on the movement of United Nations military observers, UNMOP remains unable to ascertain the exact strength and armament of those units. The Yugoslav authorities, while denying unrestricted access to that area, do allow escorted visits when given a minimum of six hours' notice.

8. Croatia has not removed the restrictions it places on the movement of UNMOP patrols in the north-western part of the demilitarized zone. It requires UNMOP to provide 24 hours' notice before undertaking foot patrols in this area and has occasionally prevented UNMOP from patrolling.

9. The crossing point at Debeli Brijeg, in the demilitarized zone, remains open on a 24-hour basis. It allows the movement of civilians and commercial traffic between Croatia and the Federal Republic of Yugoslavia (Montenegro) and does not constitute a violation of the demilitarization regime.

United Nations-controlled zone

10. The long-standing violations of the security regime in the United Nations-controlled zone, as previously reported (see S/1999/16, S/1999/404 and S/1999/764), continue unchanged. Approximately 25 Croatian Special Police are located at four positions and approximately 10 Yugoslav (Montenegrin) Border Police are present at two positions inside that zone. In addition, the operation of a local crossing point at Cape Kobila in the United Nations-controlled zone, which is currently open for four hours a day, as well as the presence in that zone of manned checkpoints of both Croatia and the Federal Republic of Yugoslavia (Montenegro), are violations of the United Nations-mandated security regime since they imply that the Croatian and Montenegrin authorities permit local residents to enter the United Nations-controlled zone for the purpose of crossing into the Federal Republic of Yugoslavia (Montenegro) and Croatia, respectively. The Croatian authorities also continue to permit civilians, including local and foreign tourists, to enter the zone from the

Croatian side for fishing, farming and recreational purposes. This, too, constitutes a violation of the security regime.

11. The waters of the United Nations-controlled zone continue to be violated frequently by Croatian and Yugoslav fishing boats and occasionally by Croatian police boats.

12. The violations described above do not by themselves constitute a serious security threat. However, seen together, they demonstrate disregard for the security regime which the parties have freely agreed upon.

III. PROGRESS TOWARDS A NEGOTIATED SETTLEMENT

13. Both the Federal Republic of Yugoslavia and Croatia have repeatedly indicated their willingness to resolve their dispute over Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations signed by them at Belgrade on 23 August 1996 (see S/1996/706, annex). As previously reported, each Government has submitted a proposal for settling the dispute (see S/1998/533 and S/1998/632) and their negotiating teams have so far held four rounds of talks: the first at Zagreb on 15 September 1998, the second at Belgrade on 9 October 1998, the third at Zagreb on 23 December 1998 and the fourth at Belgrade on 9 March 1999. No talks have been held since that time. Pursuant to paragraph 5 of resolution 1252 (1999), the Federal Republic of Yugoslavia has reported on the state of the negotiations in a letter to the Secretary-General dated 4 October 1999 (S/1999/1027). The latest Croatian position is set out in a letter dated 13 July 1999 (S/1999/783 and Corr.1) and in the statement of its Foreign Minister to the General Assembly on 25 September 1999 (see A/54/PV.15).

IV. OBSERVATIONS

14. The crossing point at Debeli Brijeg in the demilitarized zone does not violate the demilitarization regime since it is not being used for military purposes. Indeed, its presence helps to boost confidence at the local level between residents of Croatia and Montenegro who use it freely in both directions and do so in large numbers. However, the Yugoslav federal authorities continue to deny the legality of this crossing point (see S/1999/84). Insofar as the operation of the crossing point serves the wider interests of confidence-building between the parties, it would be opportune to regularize its opening.

15. As observed previously (see S/1999/404 and S/1999/764), the opening and maintenance of a crossing point at Cape Kobila, in the United Nations-controlled zone, as opposed to the opening of the crossing at Debeli Brijeg in the demilitarized zone, is a violation of the United Nations-mandated security regime. The United Nations military observers report that the level of traffic passing through this crossing point remains negligible in comparison with that at Debeli Brijeg. Reports provided to UNMOP by the Croatian authorities, as corroborated by United Nations military observers, indicate only eight vehicle crossings, at Cape Kobila between the beginning of the Mission's current mandate

on 15 July 1999 and 7 October 1999. In contrast, at the nearby crossing of Debeli Brijeg it is not uncommon for more than 100 vehicles and several hundred persons to use the crossing daily during the height of the tourist season.

16. The Federal Republic of Yugoslavia and Croatia could endeavour to adjust the security regime so that the opening of a crossing point in the United Nations-controlled zone did not result in a violation of the existing security regime. In the meantime, UNMOP will continue to record as a violation each unauthorized entry into the United Nations-controlled zone, including those at the crossing point at Cape Kobila.

17. A significant practical step which the parties could take in support of a peaceful solution to their dispute over Prevlaka would be to demonstrate full respect for the United Nations-monitored security regime. At the present time, the demilitarized zone is stable and free of heavy weapons. The more significant violations of the security regime are the standing presence of troops of the Yugoslav Army in the northern part of the demilitarized zone and that of Croatian Special Police and Yugoslav (Montenegrin) Border Police in the United Nations-controlled zone.

18. Since my last report, no invitation has been issued for a fifth round of talks between the two parties. Conditions of stability and calm on the ground have been maintained in part thanks to the presence of UNMOP, and that is conducive to negotiations towards a peaceful resolution of the dispute over Prevlaka in a constructive and expeditious manner. Member States may wish to use their influence with the parties to assist in the formulation of steps which will demonstrate respect for the United Nations zones, create an atmosphere of confidence, and thus serve to move the negotiation process forward.

19. Central to the maintenance of stability in the UNMOP area of responsibility is the requirement that the United Nations military observers be permitted to patrol their area of operation without restriction or constraint of any kind. I once again call upon the authorities of Croatia and the Federal Republic of Yugoslavia to allow them unrestricted access to all areas of the demilitarized zone at all times.

20. In addition to the measures recommended in the preceding paragraphs, and pursuant to the Council's request in resolution 1252 (1999), the parties have been provided informally, at my request, with a number of recommendations and options to develop confidence-building measures aimed, inter alia, at further facilitating the freedom of movement of the civilian population. These recommendations and options cover basic elements of the disputed issue, confidence-building measures and freedom of movement. I shall keep the Council informed of further progress in this direction.

21. In conclusion, the Chief Military Observer and the men and women of UNMOP are to be commended for their continued efforts to maintain peace and security in their area of responsibility.

Annex

Composition and strength of the military element of the United Nations Mission of Observers in Prevlaka as at 30 September 1999

Nationality	Number of military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	27